

RECEIVED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

2019 JUL 25 A 9:31

**FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

FILED

U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS**

JUL 25 2019

DIVISION

JAMES W. MCCORMACK, CLERK

CASE NO. 5:19-CV-234-JM-BB

By: BB

DEP CLERK

Jury Trial: ☒ Yes ☐ No
(Check One)

I. Parties

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff: Brad Chambers
ADC # 168874

Address: _____

Name of plaintiff: _____
ADC # _____

Address: _____

Name of plaintiff: _____
ADC # _____

This case assigned to District Judge Moody
and to Magistrate Judge Deere

Address: _____

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

B. Name of defendant: Arkansas Department of Corrections

Position: _____

Place of employment: Tucker Unit

Address: 2400 State Farm Road, Tucker, AR 72168

Name of defendant: Rodney Ford

Position: Major

Place of employment: Tucker Unit (ADC)
Address: 2400 State Farm Rd. Tucker, AR 72168
Name of defendant: Jermaine West Jr.
Position: Corporal
Place of employment: Tucker Unit (ADC)
Address: 2400 State Farm Rd. Tucker, AR 72168
Name of defendant: _____
Position: _____
Place of employment: _____
Address: _____

II. Are you suing the defendants in:

- ☐ official capacity only
☐ personal capacity only
☒ both official and personal capacity

III. Previous lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ___ No ☒

B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

☐ Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

☐ Court (if federal court, name the district; if state court, name the county): _____

☐ Docket Number: _____

☐ Name of judge to whom case was assigned: _____

☐ Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

☐ Approximate date of filing lawsuit: _____

☐ Approximate date of disposition: _____

IV. Place of present confinement: Arkansas Department of
Corrections Tucker Unit

V. At the time of the alleged incident(s), were you:
(check appropriate blank)

_____ in jail and still awaiting trial on pending criminal charges

☒ serving a sentence as a result of a judgment of conviction

_____ in jail for other reasons (e.g., alleged probation violation, etc.)
explain: _____

VI. The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

A. Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes ☒ No _____

B. Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure?

Yes _____ No ✓

If not, why? Didn't receive response to Step Two. I sent
a notarized affidavit to the Director stating this and I will
attach that plus the response from the Directors Office

VII. Statement of claim

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Attached

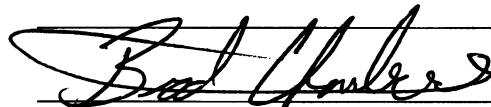
VIII. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Pain and Suffering, Mental Anguish, Emotional Trauma,
Punitive Damages, Compensatory Damages,
Totaling \$438,600.⁰⁰

I declare under penalty of perjury (18 U.S.C. § 1621) that the foregoing is true and correct.

Executed on this 19th day of July, 2019.


Signature(s) of plaintiff(s)

STATE OF ARKANSAS)

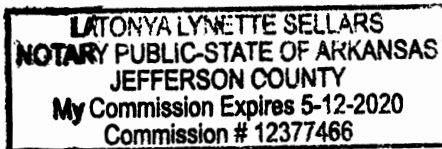
COUNTY OF JEFFERSON) §

Inmate, Red Charles being first duly sworn under oath, presents that he has read and subscribed to the above and states that the information therein is true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 22 day of July, 2019.

My Commission Expires: 5/12/2020

Latonya Lynette Sellars
NOTARY PUBLIC



I AM filing a LAW-SUIT AGAINST THE ARKANSAS DEPARTMENT OF CORRECTIONS IN INCIDENTS THAT HAPPEN IN NOVEMBER 2018, NOVEMBER 4th, 2018 I WAS ATTACK IN HALLWAY 330PM; AND NOVEMBER 5th, 2018 IN THE MORNING AT 4AM WAS ATTACK WHILE SLEEPING. I AM Suing MAJOR FORD THAT WAS OVER SECURITY AT THE UNIT, AT THE TIME, AND OFFICER WEST THAT IS STILL AN EMPLOYEE. I WAS ATTACK BRAD CHAMBERS #168874 IN THE HALLWAY AT 330PM BY INMATE SEAN CONKEY #164554 THAT WAS SUNDAY NOVEMBER 4th, 2018. THEY TOOK SEAN CONKEY #164554 TO THE HOLE AND LET HIM OUT THAT NIGHT. THE FOLLOWING MORNING AROUND 4AM OFFICER WEST THAT WAS ON OR BARRACKS DOOR 3B, LET SEAN CONKEY INTO OR BARRACKS FROM ANOTHER BARRACKS AND SEAN CONKEY VICIOUSLY ATTACK ME WHILE I SLEPT STOMPING ME AND KICKING AND HITTING ME WITH HIS BOOTS AND FISTS, SO ALL AVAILABLE WAS CALLED AGAIN. THE SAME INMATE THAT ATTACK ME THE PREVIOUS DAY, OFFICER WEST, OFFICER JACKSON AND SGT. WILLIAMS, ESCORTED SEAN CONKEY AND ME BRAD CHAMBERS TO THE INFIRMARY AND ONE OF US INTO THE LIBRARY, TO GO TO THE INFIRMARY NEXT. I ADVISED SGT. MOORE I WOULD BE IN DANGER GOING BACK TO 3B OR 4 BARRACKS. AND MAJOR FORD TOLD ME TO GO BACK TO 3B BARRACKS, I ADVISED MAJOR FORD I DIDN'T FEEL SAFE SO HE SENT ME TO RESTRICTIVE HOUSING. AT THE TIME I DID NOT RECIEVED ANY DISCIPLINARY.

I HAVE SUFFERED SEVERE HEADACHES AND EMOTIONAL TRAUMA, AND CHRONIC PAIN IN MY NECK AND LOWER BACK SINCE THE INCIDENT IN THE BARRACKS 3B THAT MORNING NOVEMBER 5th, 2018 AT 4AM, FROM INMATE SEAN CONKEY #164554 STOMPING ME WITH HIS BOOTS AND HITTING ME WITH HIS FISTS WHILE I SLEPT. LIKE I SAID I AM SUING ARKANSAS DEPARTMENT OF CORRECTIONS AT THE TUCKER UNIT, LACK-OF-SECURITY AND PROTECTING INMATES FROM OTHER INMATES. AND NEGLIGENCE ON MAJOR FORD AND OFFICER WEST THAT WAS ON DUTY ON OUR BARRACKS DOOR. LETTING INMATE SEAN CONKEY #164554 FROM ANOTHER BARRACKS TO COME IN THERE TO ATTACK ME BRAD CHAMBERS THAT CAUSE MY INJURYS I AM HAVING NOW. I HAVE ALL THE DOCUMENTATION ON RECORD WHAT HAPPEN AND STATEMENTS FROM THE DISCIPLINARY HEARING JUDGE JOANNA Z. FRANKLIN FINING ME NOT GUILTY IN MY DISCIPLINARY, AFTER THEY ATTEMPTED TO RELEASE US TO POPULATION AFTER BEING ASSAULTED BY CONKEY TWICE

- 1) SUING ARKANSAS DEPARTMENT OF CORRECTIONS AT THE TUCKER UNIT, [FOR LACK-OF-SECURITY]
- 2) MAJOR FORD - THAT WAS OVER SECURITY AT THE TIME AT THE TUCKER UNIT WHEN INCIDENTS TOOK PLACE NOVEMBER 4th, 5th, 2018
- 3) OFFICER WEST - NEGLIGENCE ON HIM, FOR INMATE SEAN CONKEY #164554 LETTING HIM IN MY BARRACKS TO ATTACK ME AND CAUSE INJURYS TO ME.

I AM SUING FOR: \$1700 DOLLARS A DAY FROM NOVEMBER 5th,
2018 TO NOW, WHEN THE INCIDENT
ACCURED WITH SEAN CONKEY OR TILL
I GET OUT.

PAIN & SUFFERING
MENTAL ANGUISH
EMOTIONAL TRAUMA

PUNITIVE DAMAGES
COMPENSATORY DAMAGES

IN OF JULY 2019 - \$438,600.00

AUG. //

SEPT,

OCT. 2019

NOV. //

DEC.

800-4

STATE OF ARKANSAS

COUNTY OF JeffersonAFFIDAVITI, Brad Chambers, after first being duly sworn, do hereby swear, depose(Arkansas Dept. of Corr)
and state that:

ADC has failed to respond to
Grievance number 18-00891 in a timely manner.
Step Two was filed with officer Berryhill
on 11/19/2018. The Administrative Directive
(AR 835 Grievance Procedure for Offenders) states that I
should have received an Acknowledgement or Rejection of
the Unit Level Grievance within 5 business days and a response
from the Warden within 20 business days. Failing to receive
these denies me the proper forms to complete the process and
ultimately exhausts my grievance process, Allowing me to proceed w/ a 1983 lawsuit.

I further swear that the statements, matters and things contained herein are true and accurate to

the best of my knowledge, information and belief.

12/22/18

DATE

Brad Chambers

AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 22 day ofDecember, 2018.Mary Ann Coleman

NOTARY PUBLIC

My Commission Expires: October 27, 2021



Arkansas Department of Correction

Director's Office
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411
Phone: (870) 267-6200
Fax: (870) 267-6244
www.arkansas.gov/doc

MEMORANDUM

TO: Inmate Brad Chambers, ADC# 168874
Tucker Unit
Lyn Bennett
FROM: Lyn Bennett, Executive Assistant to the Director
RE: Incident
DATE: February 19, 2019

Thank you for contacting my office. I have read and reviewed the correspondence you sent to my office concerning an incident that occurred.

Records indicate you have filed a grievance on this matter: TU-18-00891.

Please be advised that my office is not directly involved in the grievance process. Grievances will be responded to through the grievance and grievance appeal process as outlined in AD 14-16.

The Warden responded to your grievance:

According to information obtained from Officer West, he did not allow inmate Conkey to enter into three barrack. Officer West further stated that he gave Inmate Conkey several orders not to go in three barrack, and while he radioed for the Captain, Inmate Conkey ran into three barracks. Inmate Conkey was placed on your Offender Separation Alerts list, and received a disciplinary for his actions. I find this grievance without merit.

LB/ms

UNIT LEVEL GRIEVANCE FORM (Attachment I)Unit/Center TuckerName Brad ChambersADC# 1168874 Brks # AH Job Assignment Outside Maintenance11/15/18 (Date) STEP ONE: Informal Resolution11/19/18 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: Sgt. Powell determined this was NOT step 1 for unknown reason. Issue not resolved

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: _____

Is this Grievance concerning Medical or Mental Health Services? _____ If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): On Sunday Nov. 4th I was attacked in the hallway at approximately 3:30 PM by inmate S. Conkey. All available guards called and we were detained by officers Woods, Officer Thurman, Sgt Sellers, Sgt Alexander and Lt. Davis. Conkey was taken to RH and I was moved from 8A to 3B. Conkey was released from restrictive housing that same evening. On Monday Nov. 5th at approx. 4:00 AM Officer West allowed inmate Conkey to come in to 3B and viciously attack me in my sleep. All available guards called again and Officer West, Mrs Jackson, and Sgt Williams handcuffed us and took him to the infirmary and put me in the library. Sgt. Moore took my witness statement where I advised I would be in danger going back to 3 or 4 barracks. Major Ford told me to go back to 3B when he got in after shift change. I advised him I didn't feel safe so he sent me to RH and put me on DCR for refusing to go in 3B. I have remained in RH and on Nov 13th I was told I was being released, but I had to go to 3 or 4 barracks. I still don't feel safe in the class 4 barracks and I don't understand why I would have to be housed there being class 2B. I am still currently disciplinary free.

Inmate Signature

Date

11-15-18Brad Chambers**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**This form was received on 11-15-18 (date), and determined to be Step One and/or an Emergency Grievance NO (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____PRINT STAFF NAME (PROBLEM SOLVER) Justin Powell ID Number 163112 Staff Signature Justin Powell Date Received 11-15-18

Describe action taken to resolve complaint, including dates: _____

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on _____ (date), pursuant to Step Two. Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: Justin Powell Date: 11-11-18

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two.

w/ll

ISSR100

Arkansas Department of Corrections
Tucker Unit Unit
MAJOR DISCIPLINARY

If the C.S.O. determines that the violation(s) described on this document are felonious; he/she must hand carry this document to the Unit Warden who must immediately notify the Director.

Inmate: Chambers, Brad

ADC#: 168874A

Assignment: AM:Restrictive Housing
 PM:Discpl Court Review

Class: I-C is being charged by Powell, Justin M
 with code violation(s):

Title: Correctional Sergeant

12-4 Refusing a direct verbal order to leave or enter any area of the institution or ADC property including, but not limited to, a cell, barracks, chow hall, transportation vehicle, or hallway.

Date & Time: 11/13/2018 3:00 PM

Notice of Charges:

Incident Report Unit: Tucker Unit
 Incident Report Date/Time: 11/16/2018/01:12:12 PM
 Incident Report Number: 2018-11-051
 Incident Report Comments By: Justin M Powell

On November 13, 2018 at approximately 3:00 pm in Restrictive housing, zone 3, I Sgt. Justin Powell received a Tucker unit movement sheet and gave inmates Sean Conkey #164554, Brad Chambers #168874, Cory Ohler #141546 and Arthur Haygood #160886 (verified through eomis picture roster) all verbal direct orders to pack their property and move from restrictive housing to their new bed assignment in general population. All inmates refused my orders and stated they were not moving. Therefore, I Sgt. Powell charge inmates Conkey #164554, Chambers #168874, Ohler #141546 and Haygood #160886 with rule violation 12-4.

(I affirm that the information in this report is true to the best of my knowledge)

Signature of Charging Officer

NOTIFICATION:Officer *Sgt. J. Powell*

Date & Time Notified

11/16/18 3:09pm

Witness Statements:

No X

If yes, list:

Cory Ohler

Brad Chambers
 Inmate's Signature

C.S.O. Review: Outcome: Refer to Hearing Officer/Comm.

By: Ford, Rodney X

Date 11/16/2018

Extension:

No X

Yes

Has extension form been completed?

Presentation by Counsel - Substitute is required when it is determined that the inmate is illiterate or incompetent or that the issues are extraordinarily complex.

Counsel-Substitute: Assigned (Name)

Not Assigned

Disciplinary Hearing Action

11/20/2018 1:26 PM

Page 2

Inmate: Chambers, Brad

ADC#: 168874A

Unit: Tucker Unit

Additional Sanctions/General Comments:

1st DR

the inmate that assaulted this inmate 2x's was being released at the same time to Gen. Pop. even though he received 30 days Punitive on 11/6/2018; Why is this inmate not being transferred or housed in RH even though there is an enemy alert on this inmate.

Warden

In good faith I can not find this inmate guilty for wanting to protect his life when I don't feel security has made him feel safeguarded.

Factual Basis for Decision (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence.):

Inmate refused to comply with all directives to move to Gen Pop.

Evidence Relied Upon:

f1 states Inmate refused to comply with all directives to move to Gen Pop.

005

Reasons Why Information Purporting to Exonerate Inmate was Discounted:

Staff report is accepted.

Reasons for Assessment of Punishment:

Chambers is class IC and must comply with all directives to go to assigned Living Area

I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) working days by completing the "Disciplinary Appeal" form.

Inmate's Signature _____ **Counsel-Substitute** _____

I affirm that the information is true to the best of my knowledge.

Hearing Officer

Johnna Z. Franklin

Date _____

ISSR101

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Chambers, Brad

ADC#: 168874A

Unit: Tucker Unit

Code Violation(s):

12-4 Refusing a direct verbal order to leave or enter any area of the institution or ADC property including, but not limited to, a cell, barracks, chow hall, transportation vehicle, or hallway.

Date/Time of Alleged Offense(s): 11/13/2018 3:00 PM

Hearing Date: 11/20/2018

Time: Start 1:09 PM

End 1:22 PM

Recorder: Franklin, Joanna Z

Tape#:

Side:

Meter: From

To

Plea: Not Guilty

Attendance Waived: No

Has waiver form been completed? _____

Inmate's Statement:

1. I was a IB until I was assaulted by Sean Conkey in the hallway; and the night of Nov. 5th the officer allowed this inmate to come in the bks and assault me again. This makes 2x's then they were going to release both of us at the same time. How am I supposed to feel safe, when he is on my enemy alert list and it does no good. This inmate has already went to court on the assault and received punitive time but they want to release him to pop. so he can assault me a 3rd time. I have filed 2 grievances hoping maybe I can get some help before this gets out of hand.

Signature of Inmate

Court Questions:

1. Do you have a statement?

Sentencing Conditions:

Verdict: Not Guilty

IGTT410
3GS

Attachment III

INMATE NAME: Chambers, BradADC #: 168874AGRIEVANCE #: TU-18-00933

WARDEN/CENTER SUPERVISOR'S DECISION

In your grievance you state, "On November 13th 2018 Sgt. Justin Powell came to Restrictive Housing and informed myself and three other inmates that we were being released back to population. One of the other three inmates was inmate Sean Conkey, (164554) the same inmate that attacked me on both Sunday November 4th and Monday November 5th, 2018. Inmate Conkey was placed on my enemy alert list by Lt. Davis on Nov. 4th after the first attack. I refused to leave restrictive housing because I feel that I was intentionally being released to be put directly in harms way with Inmate Conkey I received a Major Disciplinary form Sgt. Powell in which he states that he attempted to release us together. Incident Report number is 2018-11-051. I received a Major Disciplinary a 12-4, on November 16 2018 at 3:09 pm."

According to information obtained from Sgt. Powell, you and Inmate Conkey were not released at the same time, due to the incident that occurred between the two of you. Since being released to population, there haven't been any reported problems. I consider the issue in this grievance resolved.



Signature of Warden/Supervisor or Designee



Title



Date

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

ADC#: 168874

Date

Inmate Signature

UNIT LEVEL GRIEVANCE FORM (Attachment I)Unit/Center TuckerName Brad ChambersADC# 168874 Brks # RH Job Assignment RH

FOR OFFICE USE ONLY

GRV. # TU-18-00933Date Received: 12/4/18GRV. Code #: 20111/18/18 (Date) STEP ONE: Informal ResolutionOutside Maintenance11/26/18 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: Never received response to level 1

_____, (Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: _____

Is this Grievance concerning Medical or Mental Health Services? No If yes, circle one: medical or mental**BRIEFLY** state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): On November 13th 2018Sgt Justin Powell came to Restrictive Housing and informed myself and three other inmates that we were being released back to general population. One of the other three inmates was inmate Sean Conkey (164554), the same inmate that attacked me on both Sunday November 4th and Monday November 5th, 2018. Inmate Conkey was placed on my enemy alert list by Lt. Davis on Nov. 4th after the first attack. I refused to leave restrictive housing because I feel that I was intentionally being released to be put directly in harm's way with inmate Conkey. I received a Major Disciplinary from Sgt. Powell in which he states that he attempted to release us together. Incident Report Number is 2018-11-051. I received a Major Disciplinary, a 12-9, on November 16th 2018 at 3:09 PM.Brad Chambers11/18/18

Inmate Signature

Date

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**This form was received on 11-22-18 (date), and determined to be **Step One** and/or an Emergency GrievanceYes (Yes or No). This form was forwarded to medical or mental health? No (Yes or No). If yes, name of the person in that department receiving this form: _____

Sgt Joe Alexander 33655

Joe AlexanderDate 11-22-18

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates: _____

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on 11-29-18 (date), pursuant to **Step Two**. Is it an Emergency? No (Yes or No).Staff Who Received Step Two Grievance: Sgtm Coleman Date: 11-29-18

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two.

Brad Chambers #168874
P.O. Box 240
Tucker, AR 72168



Pro Se Clerk
600 West Capitol Ave, Suite
Little Rock, AR 72201-3